

EAST BAY REGIONAL PARK DISTRICT

Resolution No. 1994-10-264

October 4, 1994

APPROVAL OF THE REVISED COMMUNICATION SITE POLICY

WHEREAS, the District has had a Communication Site Policy since 1982; and

WHEREAS, in 1987 this policy was revised to include some restrictions and improvements; and

WHEREAS, this policy is in need of revision again in order to address current concerns and situations, and

WHEREAS, the Board Operations Committee has reviewed the revised policy and recommends its approval by the Board of Directors, and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby approves the revised Communication Site Policy as attached; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director O'Donnell  
Director Holmes, seconded by  
October 1994 by the following vote: , and approved this 4th day of

FOR: Jocelyn Combs, Oliver Holmes, John O'Donnell, Ted Radke, Douglas L. Siden, Jean Siri, Susan Smartt

AGAINST: None

ABSTAIN: None

ABSENT: None

CERTIFICATION

I, Debra L. Fassler, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution 1994-9-264 adopted by the Board of Directors at a regular meeting held on October 4, 1994

*Debra L. Fassler*

EAST BAY REGIONAL PARK DISTRICT

COMMUNICATION SITE BACKGROUND INFORMATION

October 4, 1994

I. Introduction

The East Bay Regional Park District must regularly deal with the ongoing operation and improvement of existing communication facilities and the construction of new communication towers and associated facilities on portions of the East Bay skyline, including many peaks near regional parklands.

The rapid transfer of information is a hallmark of our society. In recent years it has become possible to communicate almost instantaneously anywhere in the world, and mass communication has brought the world much closer together. The ground-based facilities that allow for this rapid communication generally require areas of high visibility such as mountain peaks, so transmission can be made without interference. Receivers, on the other hand, may need shelter from surrounding sources of radio waves in order to "focus in" on their particular source (such as a satellite) with minimal interference. Many of the existing sites provide essential services, such as police, fire or civil defense communications or other government functions. They may provide for private communication by industrial, commercial or residential users such as in radio, telephone, paging communications. Sites also provide mass communication, such as commercial radio and television transmission. All of these uses are considered to be valid products of our society, and the demand for such facilities and services is obviously present.

On April 7, 1987 the Board adopted a comprehensive communication site policy which is updated herein to guide the District in managing communication site issues.

II. Neighboring Communication-Sites

Currently, 17 communication sites are operated on private or public lands adjacent to Park District property. These sites include:

1. Nicholl Knob (George Miller/John T. Knox Regional Shoreline). A small site providing communication for Richmond city services and for the Contra Costa County Sheriff's Department. The site includes two metal buildings and two small towers on City property surrounded by the park on three sides.

2. San Pablo Ridge. A satellite receiver station operated by Bay Cablevision Inc., on a 10-acre inholding at Wildcat Canyon Regional Park. Access is through a portion of the park from Monte Cresta Avenue.
3. Grizzly Peak. This East Bay Municipal Utility District site is leased to Watson Communications. The tower is highly visible from much of Tilden Park.
4. Vollmer Peak (Tilden Regional Park). Facilities include several buildings and two towers, including the Watson tower which is 150 feet tall.
5. "Microwave Hill". A major communication facility of the Pacific Telephone Company about one-half mile south of Vollmer Peak.
6. Round Top. At the summit of Round Top, on lands surrounded by Sibley Preserve, are additional facilities of Pacific Telephone and Watson Communications. Both have buildings associated with the towers.
7. "FAA Hill". This facility is located approximately  $\frac{1}{4}$  mile northwest of Redwood Peak on property of the East Bay Municipal Utility District. The tower is an air traffic control facility of the Federal Aviation Administration; it is a 100 or more foot tall structure, painted white and orange and is highly visible from the surrounding area, except where trees cause local screening.
8. Rocky Ridge. A former U.S. Army NIKE station which is leased to industrial users by the East Bay Municipal Utility District. The site overlooks Bollinger Canyon and is a major visual feature of Las Trampas Regional Wilderness.
9. Krieger Peak. This site is a major head end facility for several government agency and private users, including an East Bay Regional park District radio repeater or booster. The site is on private property southwest of Black Diamond Way.
10. South Red Hill. An Alameda County facility, used for both general county radio traffic and for emergency services (Sheriff's Department). Access to the site is through Coyote Hills Regional Park.
11. Walpert Ridge. A major facility of the Pacific Telephone Company located on private property east of Garin Regional Park and Dry Creek Pioneer Regional Park. It is similar in size and appearance to the Microwave Hill facility.

12. Sunol Ridge. Two private communication facilities occur at the summit of Sunol Ridge on private lands.
13. Pleasanton Ridge. This is a major news communication facility, consisting of a high tower at the northern end of Pleasanton Ridge.
14. Harlan Hill/Wiedemann Hill. These two sites west of the Bishop Ranch land bank are communication facilities of the Pacific Telephone Company and Watson Communications, Inc. They are on private land.
15. Tassajara Creek (Tassajara Creek Regional Park). This is a satellite tracking facility of the National Aeronautics and Space Administration (NASA). This is a Federal inholding, surrounded completely by the regional park. This is a highly visible site, located on a hilltop in grassland.
16. Lynch Property (Morgan Territory Regional Preserve). This is a cluster of facilities on private land east of the parkland. The site is somewhat screened by vegetation and is not highly noticeable from the park. Access to the site, however, crosses a portion of Morgan Territory.
17. Mount Allison. A small cluster of facilities occupy the summit area of Allison Peak on private land (McQueen). These are mostly industrial communication users, both on the summit itself and lower slopes to the east.

### III. Communication Sites Located on Parkland

Currently, the District has four sites located on lands owned by the East Bay Regional Park District. Three of the sites existed on private lands that were acquired by the District with communication site lease arrangements that extend into the late 1990's. A major site is located at Monument Peak, and the three minor sites are located at Vollmer Peak, Peak 1433 in Briones Regional Park, and Oakland Ridge in Sibley Regional Preserve.

Monument Peak (Mission Peak Regional Preserve). This is a major site with six users on District lands and a seventh within Santa Clara County's Edward Levin County Park. Users include commercial television broadcasters and industrial communication firms.

Vollmer Peak (Tilden Regional Park). This minor site is shared by East Bay Regional Park District and East Bay Municipal Utility District, with a larger Watson tower on adjacent private property. Licensees include the California Highway

Patrol, CalTrans, B.A.R.T., and Contra Costa County. Contra Costa County manages this site for the District through the end of this century.

Peak 1433 (Briones Regional Park). This minor site is an existing facility licensed between the East Bay Regional Park District and TCI Inc. The tenant had leased the property from the prior landowners, and the District assumed the agreement and recently permitted some expansion of the facility. TCI Inc. provides cable television service to the Walnut Creek-Martinez area.

Oakland Ridge (Sibley Regional Preserve). This minor site was donated to the District with the proviso to continue communication site business under a 40 year agreement. The property is licensed to C & C Equipment for the purpose of operating a satellite receiver for sending or receiving microwave, radio, telephone or television signals.

#### Communication Site Policy

- A. The District recognizes that it must comply with existing communication site agreements and that certain benefits accrue from the careful licensing of communication sites. These include:
1. Facilities for communication links for the District, other public agencies and the public at large;
  2. Ancillary benefits to the District such as the provision of access roads, access to broadcasting, etc.;
  3. The opportunity to regulate facility design and activity consistent with other District goals; and
  4. Income to the District.
- B. The District also recognizes that communication sites on public parkland have negative features which should be minimized to the extent possible. These include:
1. Structures and facilities that are constructed at or near the top of peaks or the East Bay skyline conflict with the goal of the District to maintain lands in their natural condition.
  2. Vehicles and service activities interfere with public use of regional parklands and park natural values.

3. Public use is preempted on communication sites which are located on park mountain tops.
- C. In view of the foregoing, and to establish a consistent and uniform procedure for dealing with requests for new or expanded communication facilities, the following policies are adopted:
1. New communication site requests must receive adequate review and CEQA compliance if placed on any other site beyond the existing four sites. A new site must also meet District criteria for reduction of visual impacts to park visitors.
  2. The District will work with the permitting and operating entities in Alameda and Contra Costa Counties to reduce the visual impacts of sites adjacent to regional parkland.
  3. The Board will not extend any present or new communication site license unless such licensee agrees to facilitate site consolidation, power line and building undergrounding, and conversion to a combined master antenna system to improve overall mountaintop aesthetics.
  4. Permitted licenses at Monument Peak communication site shall be restricted to those in existence as of January 1, 1994, unless such added user is an integral part of an overall mountain top site aesthetics improvement program and/or a replacement to an existing user.
  5. Permitted licenses at Vollmer, Briones Peak 1433 and Oakland Ridge communication sites shall be restricted to existing users as of January 1, 1994, unless such added user is an integral part of an overall mountain top site aesthetics improvement program and/or a replacement to an existing user.
  6. The procedure for processing proposals for facility enhancement, renovation, or other modification to existing communication facilities shall be as follows:
    - a. Submission of a written request for consideration of a proposal to the Assistant General Manager of Operations and Interpretation.
    - b. Staff shall review and investigate the proposal as appropriate and submit plans and specifications, recommendations and appropriate documen-

tation to the Board Operations Committee and the full Board for consideration.

c. The Board shall duly consider the proposal and information presented by staff. The Board shall make the following findings as condition of approving any proposal for a new or expanded communication use at any of the District's communication sites.

(i) The proposed use does not seriously interfere with park uses, is essential to accomplishing communication links or broadcasting opportunities that cannot be otherwise achieved at other locations off park lands; and

(ii) The proposal includes all reasonable mitigation of resource impacts and visual intrusion into the park; and

(iii) The proposed facility is not materially incompatible with existing or anticipated park uses in adjacent parklands; and

(iv) The proposed use will not materially exclude the public from existing or anticipated park uses in the park where the site is located; and

(v) There will be appropriate compensation based on market rates (plus mitigation) to the District for such use.

(vi) If a mountain top facility becomes unoccupied and there is no future use predicted, the communication site operator will be responsible for removal of the facility and the restoration of the site to its natural state.

7. The decision to permit a facility addition or expansion as noted above shall be based on District criteria such as (but not limited to ) visual quality concerns, compatibility with present uses, and willingness of the proposer to accommodate other District requirements and regulations, such as providing to the District broadcasting access to the facility.

Staff, in preparing proposals for Board consideration, shall include the following provisions in recommended license agreements:

- a. Provide for District review and approval of all sub-leases for communication facilities by our tenants.
- b. Provide for appropriate mitigation for loss of public use of the land area used by the communications site, and in addition the District shall receive income based on current market fees for lease of communication sites, with appropriate cost of living or market rate increase provisions.
- c. Provide for proponents for all new communication uses to consult with existing communication site tenants in the immediate area to insure that conflicts will not develop in use of their equipment.
- d. Provide for appropriate archeological and biological investigation prior to siting of a facility.
- e. Provide for appropriate tower design and siting to minimize visual impacts of any proposed installation, and require future incorporation of new communication tower and equipment technology as it develops to reduce visual impacts of equipment located in park lands.
- f. Provide for installation of appropriate public use amenities adjacent to the new site - e.g., interpretive information, benches, emergency phones, etc.
- g. Require each applicant to comply with the District's CEQA requirements and to pay for costs associated with the CEQA process.
- h. Provide that all structures other than tower and antenna be recessed below grade when possible; that fencing be minimized, and that all storage and equipment required at the site be contained within the approved head end structure.
- i. The District shall continue to work toward consolidation of communication sites, and restoration of the natural contours and vegetation on peaks throughout the District.
- j. Provide District's Public Safety Department free use of vault and tower space to carry out Public Safety communication within the East Bay Regional Park District.



EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO. 1994-10-265

Tuesday, October 4, 1994

AUTHORIZATION TO MODIFY BOARD OPERATING GUIDELINES  
WHICH CONTROL THE INTERNAL TRANSFER OF BUDGETED FUNDS

WHEREAS, the Board of Directors of the East Bay Regional Park District has caused to be established such budget and financial policies sufficient to provide oversight and control of the District Budget and financial transactions, and

WHEREAS, from time to time such policies require amendment to accommodate changing conditions, improve management and oversight of the system or provide additional controls to ensure proper management of the District's budget, and

WHEREAS, the General Manager and the Board Executive Committee recommend that the policy regarding transfer of budgeted funds be modified as noted in the attached material to accommodate the addition of additional fund categories in the District budget,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorize modification of the District's financial procedures as described in the attached material, hereby made a part of this resolution, and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director O'Donnell, seconded by Director Holmes, and approved this 4th day of October, 1994, by the following vote:

FOR: Jocelyn Combs, Oliver Holmes, John O'Donnell, Ted Radke, Douglas L. Siden,  
Jean Siri, Susan Smartt  
AGAINST: None  
ABSTAIN: None  
ABSENT: None

CERTIFICATION

I, Debra L. Fassler, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution 1994-10-265 adopted by the Board of Directors at a regular meeting held on October 4, 1994

*Debra L. Fassler*